



UNITED STATES DEPARTMENT OF COMMERCE

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
| 09/620,544 | 07/21/00 | ESTAKHRI | P 38979-110CPA2 |

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| TM02/0116 | EXAMINER |
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BRAGDON, R

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2185 | 5 |

DATE MAILED: 01/16/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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|------------------------------|-------------------------------|---------------------------------|
| Office Action Summary | Application No. 09/620,544 | Applicant(s) Estakhri et al. |
| | Examiner Reginald Bragdon | Group Art Unit 2185 |

Responsive to communication(s) filed on _____

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

- Claim(s) _____ is/are pending in the application.
 Of the above, claim(s) _____ is/are withdrawn from consideration.
- Claim(s) _____ is/are allowed.
- Claim(s) _____ is/are rejected.
- Claim(s) _____ is/are objected to.
- Claims _____ are subject to restriction or election requirement.

Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The drawing(s) filed on _____ is/are objected to by the Examiner.
- The proposed drawing correction, filed on _____ is approved disapproved.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All Some* None of the CERTIFIED copies of the priority documents have been
- received.
 - received in Application No. (Series Code/Serial Number) _____.
 - received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- Notice of References Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). 4
- Interview Summary, PTO-413
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. Claim 1 is pending in the application.

Information Disclosure Statement

2. The Information Disclosure Statement(s) received 7-21-2000 has been considered. Please see the attached PTO-1449(s).

Oath/Declaration

3. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It was not executed in accordance with either 37 CFR 1.66 or 1.68.

4. Inventor Petro Estakhri's signature is not dated.
5. In accordance with 37 CFR §1.42, when an inventor is deceased, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent. Therefore, the legal representative of Ali Ganjuel may make the necessary oath or declaration. See also MPEP §409.01.

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Drawings

6. The drawings have been approved by the Office draftsman and the Examiner.

Specification

7. Applicant is requested to update any data (continuation serial number, patent number, etc...) concerning co-pending or related applications listed in the specification.

The status of the parent applications on page 1 should be updated as necessary.

8. The disclosure is objected to because of the following informalities: on page 11, line 28, there is no "flash address bus 512" in figure 10. Applicant should carefully check the specification and change all instances of "bus 512" to "bus 513". See figure 10.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

10. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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It is not clear where there is support in the specification for the claimed subject matter.

Applicant is required to point out specific pages, lines, and figures which support the invention set forth in claim 1.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Garner (5,337,275).

Garner teaches a prior art technique where a FLASH EEPROM ("nonvolatile memory") includes blocks comprised of a plurality of sectors. In order to overwrite a sector of data within a block, the block containing the sector to be overwritten ("identifying a block") has all of the valid data copied to another block in the array ("preserving un-updated sectors of information"). See column 5, lines 18-20. The original block is then erased ("erasing the identified block"). See column 5, lines 20-21. Then the valid data is rewritten to the original block (now erased) and the updated data is written over the old entry in the original block ("writing the updated sectors and the preserved sectors of information in the erased block"). See column 5, lines 21-23.

The 35 U.S.C. 102 rejection has been made under subsection b, although the filing date of application 08/509,706 (which this application is a CIP) is less than one year from the patent date

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of Garner. See MPEP §2133.01. If applicant shows that 08/509,706 supports the present claim limitations, then the rejection would be changed to a 35 U.S.C. 102(e) rejection. However, as noted above, it is not clear that the present application supports the claim limitations.

Conclusion

13. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 305-9051, (for formal communications intended for entry)

Or:

(703) 305-9731 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald G. Bragdon whose telephone number is (703) 305-3823. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 4:30 PM and every other Friday from 7:00 AM to 3:30 PM.

The examiner's supervisor, Matthew Kim, can be reached at (703) 305-3821.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Reginald G. Bragdon
Reginald G. Bragdon
Primary Patent Examiner
Art Unit 2185

RGB
January 11, 2001